

A. 35 U.S.C. §103 Rejection

The Examiner rejects claims 11-32 under 35 USC §103(a) as unpatentable over U.S. Patent 4,042,854 to *Lou et al.* (Hereinafter "*Lou*") in view of U.S. Patent 5,670,792 to *Utsugi et al.* (Hereinafter "*Utsugi*") and U.S. Patent 3,885,196 to *Fischer*. Applicant respectfully traverses this rejection in contending that the claimed invention defines subject matter which is patentably distinct over the prior art of record at least for the foregoing reasons.

The claimed invention is directed to an active matrix-type organic electroluminescence (EL) display device including, *inter alia*, at least first and second thin film transistors formed over a substrate, an organic electroluminescent element formed over the substrate, and a circuit for driving the first thin film transistor. In accordance with the claimed invention, the circuit for driving the first thin film transistor comprises third thin film transistors formed over the same substrate in which the first thin film transistor is formed.

As the Examiner well knows, three criteria must be met to establish a *prima facie* case of obviousness. *M.P.E.P.* §2143 (August 2001). First, there must be some teaching, suggestion, or motivation to combine or modify the teachings of the prior art to produce the claimed invention, found either in the references themselves or in the knowledge generally available to a skilled artisan. *In re Fine*, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of success. *In re Rhinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976). Third, the prior art must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully contends that the *Lou* patent, either alone or in combination with the *Utsugi* and *Fischer* patents, fails to expressly teach or implicitly suggest every limitation of the claimed invention necessary to support *prima facie* obviousness under 35 U.S.C. §103(a).

Referring now to the Office Action, in which the Examiner finds that the *Lou* patent allegedly discloses an active matrix luminescent display device comprising a substrate and first and second thin film transistors formed over the substrate. Thus, the *Lou* patent is deficient for failing to disclose a circuit for driving the first thin film transistor, the circuit comprising a third thin film transistor formed over the same substrate as the first thin film transistor. Thus, the *Fischer* patent is relied upon in order to modify the teachings of the *Lou* patent since it allegedly discloses a shift register MOS or TFTs (Q10-Q18) for driving a first set of TFTs, the third TFTs being “formed over the same substrate as the first TFTs.”

In reviewing the express disclosure of the *Fischer* patent, Applicants find the lack of an explicit teaching or implicit suggestion in the *Fischer* patent concerning the relationship between the shift register MOS or TFTs and the substrate on which the matrix of addressing circuitry and electroluminescent elements are mounted. More particularly, the Applicant contends that the *Fischer* patent fails to expressly teach or inherently suggests that the shift register MOS or TFTs and the matrix of addressing circuitry are formed on the same substrate, and thus, is improper as a secondary reference. In essence, the combination of the *Lou*, *Utsugi* or *Fischer* patents would not yield the claimed invention.

Moreover, Applicant contends that no motivation exists for combining respective teachings of the *Lou*, *Utsugi* or *Fischer* patents. Regardless of the type of disclosure, the prior art must provide some motivation to one of ordinary skill in the art to make the claimed invention in order to support a conclusion of obviousness. *In re Vaeck*, 942 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

In the present situation, there is a lack of motivation in either the *Lou*, *Utsugi* or *Fischer* patents to combine their respective teachings to accomplish Applicant's claimed invention since none of the references proposes, either explicitly or implicitly, the use of a

circuit for driving a first thin film transistor, the circuit comprising third thin film transistors formed over the same substrate as the first thin film transistor.


On other hand, in accordance with at least claims 11, 14, 17, 21 and 24 of the subject application, a circuit is provided for driving a first thin film transistor, the circuit comprising third thin film transistors formed over the same substrate as the first thin film transistor. Such a combination of features yields a non-obvious advantage over the prior art in that since the first, second and third thin film transistors are formed over the same substrate, an increase in the integration density of the circuit can be realized. This advantage cannot be realized by the proposed *Lou*, *Utsugi* and *Fischer* combination since the resultant device does not include a circuit composed of third thin film transistors which are formed on the same substrate as the thin film transistor for which it drives.

Because the *Fischer* patent fails to properly modify the *Luo-Utsugi* combination in a manner that would render the claimed invention obvious under §103, Applicant respectfully requests reconsideration and withdrawal of the pending rejection.

For all of the above reasons, it is respectively asserted that claims 11-32 are in proper condition for allowance. Reconsideration of these claims in view of the above comments is respectfully requested. If the Examiner feels that any further discussions would be beneficial in this matter, it is requested that the undersigned be contacted.

Respectfully submitted,

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